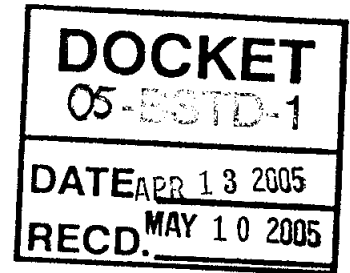


STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



Rulemaking on 2005)	Docket No. 05-BSTD-1
Building Energy Efficiency Standards,)	Order No. 05-0413-04
Cool Roof Coatings.)	

ORDER INSTITUTING RULEMAKING PROCEEDING

I. PURPOSE OF THE PROCEEDING

The California Energy Commission (Commission) hereby institutes a rulemaking proceeding to consider changes to Section 118(i)3 of the state's Building Energy Efficiency Standards (Standards). The Standards are found in Title 24, Part 6, of the California Code of Regulations. We take this action under the authority of Public Resources Code Sections 25213 and 25402 (a) and (b).

II. DELEGATION OF AUTHORITY TO EFFICIENCY COMMITTEE

The Commission's Efficiency Committee (consisting of presiding member Commissioner Pfannenstiel and associate member Commissioner Rosenfeld), or a successor committee appointed under Public Resources Code Section 25211 (the Committee), shall preside over this proceeding. The Committee shall, on behalf of the Commission, take all actions necessary and appropriate to comply with all applicable legal requirements, such as the requirements of the Warren-Alquist Act, the Administrative Procedure Act (APA), the California Building Standards Law and the California Environmental Quality Act (CEQA), including but not limited to submission of all necessary documents to the California Building Standards Commission.

This proceeding shall include at least one public hearing, to be held on June 7, 2005 at the California Energy Commission. The Committee shall preside at this and any other public hearing it deems necessary. After taking public comment, the Committee shall make a recommendation to the full Commission. Should the Committee recommend to the Commission adoption of changes to the Standards, the Commission shall consider this recommendation at a legally noticed public meeting.

III. NATURE AND SCOPE OF THE PROCEEDING

On April 4, 2005, the Committee received a petition to change adopted performance requirements in the 2005 Standards, Table 118-C in Section 118(i)3, for field-applied cool roof coatings. The petitioners, a consortium of 24 manufacturers led by National Coatings Corporation, claim that the adopted test method for low temperature performance does not serve the public good because: 1) it restricts the number of qualified cool roof coating products only to those that meet

minimum elongation requirements at 0°F, and 2) other coating products that can not meet the minimum elongation requirements are durable and perform fully satisfactorily at California climate conditions. The petitioners ask that the Commission consider adding a test method that tests for minimum flexibility rather than minimum elongation at low temperatures. This would enable many more coating products to be used in California as cool roof products.

On March 17, 2005, staff received a letter from the Roof Coating Manufacturers Association (RCMA) regarding the same section, Section 118(i)3, Table 118-C. RCMA holds a different opinion from the National Coatings consortium and requests that the Commission eliminate any performance requirements for liquid-applied cool roof coatings.

This rulemaking shall allow all opinions and views to be heard.

The Committee shall consider other clarifications or improvements to the 2005 Standards relating to this subject matter.

Based on the nature of the rulemaking petition, the Commission initially determines that such a proposed change in the building standards would not have a significant, statewide adverse economic impact directly affecting business, nor affecting the ability of California business to compete with business in other states. Likewise, the Commission initially determines that such a proposed change would not have a significant effect on housing costs. These initial determinations are based on the nature of the proposed action, which is to reduce the restrictiveness of the current standards with regard to which cool roof coatings may be used to satisfy the state's standards. Any effect should be to increase the potential number of usable products, thereby increasing competition and lowering overall costs of materials.

IV. PUBLIC PARTICIPATION

The Commission encourages public participation and strongly encourages the National Coatings consortium and RCMA to participate. Petitions to intervene are not necessary. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. All written comments shall be addressed to

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California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5512**

The Commission requests that nine copies of all written materials be provided unless it would impose an undue hardship.

The Executive Director, in conjunction with the Public Adviser, shall ensure that this order, and notice of the time and place for all hearings and workshops, are distributed to all interested persons. The Executive Director shall also ensure that drafts of regulations proposed for


amendment are made available to interested persons and the Public Adviser sufficiently in advance of consideration or adoption by the Commission to allow timely public participation.

The Commission's Public Adviser is available to help any person who wants to participate in this proceeding. Please call (916) 654-4489 or toll-free in California at (800) 822-6288, or write to pao@energy.state.ca.us.


Dated: April 13, 2005

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT
COMMISSION

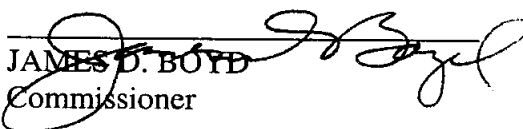
Vacant
Chair



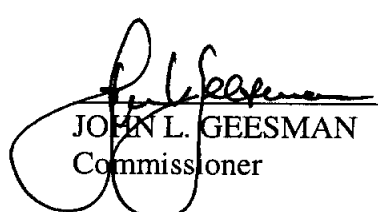
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